

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 180.2  
Title 14, California Code of Regulations  
Re: Trap Destruction Devices

- I. Date of Initial Statement of Reasons: April 17, 2003
- II. Date of Pre-adoption Statement of Reasons: May 27, 2003
- III. Date of Final Statement of Reasons: July 25, 2003
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: April 4, 2003  
Location: Visalia, CA
  - (b) Adoption Hearing: Date: June 19, 2003  
Location: Mammoth Lakes, CA
- V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.
- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

No public comments, written or oral, were received during the public comment period.
- VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814
- VIII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814
- IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

The Department analyzed the alternative of eliminating the sunset date and permanently allowing for up to three meshes to protrude into the destruct device opening.

This alternative was rejected because the Department does not support the elimination of a sunset date without conducting a biological study to determine an optimal configuration of Dungeness trap destruct device openings. The Department maintains that such studies are necessary in order to assess the potential impacts to finfish resources.

(b) No Change Alternative:

Should the existing sunset date of July 15, 2003 not be extended, an unknown number of Dungeness crab fishermen would have to modify the destruct openings on their traps before the start of the season on November 15, 2003 in central California and December 1, 2003 in northern California.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete With Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The principle proposed regulatory changes provide for an extension of a sunset date for the reversion of the regulations defining trap destruction device opening requirements. At the time the sunset date becomes effective, the allowance for more than a single mesh to protrude into the destruct device opening will expire. The extension of the sunset date will require no action on the part of the California Dungeness crab fishermen

or related businesses. The additional proposed regulatory changes are minor language revisions for clarity purposes only. Subsequently, there will be no direct or indirect economic impacts associated with any of the regulatory changes proposed.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Other Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs Mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District That Is Required To Be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

## Updated Informative Digest /Policy Statement Overview

Currently, all traps deployed by commercial fishermen licensed in the State of California must contain a trap destruction device. The devices approved for use by the Department are specified in Section 180.2, Title 14 CCR.

The California Department of Fish and Game is proposing:

- the establishment of a new sunset date of July 15, 2006, at which time the allowance of more than a single mesh protruding into the destruct device opening will expire;
- the addition of the word “uncoated” to describe the metal clips used as the destruct material on lobster traps; and
- the removal of the phrase “J clips” in reference to the metal clips used as the destruct material on lobster traps.

At the June 19, 2003 Commission meeting in Mammoth lakes, the Commission adopted the Department’s proposed regulatory amendment providing for the extension of the sunset date, allowing for more than a single mesh protruding into the destruct device opening until July 15, 2006, as well as clarifying language pertaining to the metal clips used with lobster traps.

## (REGULATORY LANGUAGE)

Section 180.2, Title 14, CCR, is amended to read:

Pursuant to the provisions of Section 9003 of the Fish and Game Code, every trap used to take fin fish, mollusks or crustaceans shall contain at least one destruct device listed in subsections (a), (b) and (c) below. The use of any structures or materials that defeat the purpose of the destruct device is prohibited.

(a) Each department approved destruct device shall create an unobstructed escape opening in the top or upper half of the trap of at least 5 inches in diameter when the destruct attachment material corrodes or fails.

(b) Department approved destruct attachment materials are limited to the following:

(1) 14 gauge (.080 + or - .003 inch) or smaller metal hog rings excluding stainless steel or other non-corrodible materials;

(2) untreated cotton twine size No. 21-thread or less, except that traps used to take Dungeness or rock crabs are limited to a single strand of untreated cotton twine size No. 120 or less;

(3) 24 gauge (.028 + or - .003 inch) or smaller uncoated bare metal crimps (~~J-clips~~) excluding stainless steel or other non-corrodible materials;

(4) magnesium pins not larger than one-quarter (.25) inch in diameter which may be used to hold together each half of plastic or fiberglass traps or may be used to attach the lid or door; or,

(5) The use of rubber straps attached to metal or plastic hooks with a single loop of untreated cotton twine size No. 120 or less may be used to close the trap provided they are attached in such a manner as to aid the destruct process. The use of any rubber strap or non-corrosive material that defeats the purpose of the destruct panel is prohibited.

(c) [Operative until July 16, ~~2003~~2006] Notwithstanding subsection (a) above, traps used to take Dungeness crabs, which are constructed of wire mesh, may have up to three meshes (described as "V"s or a "W" and a "V") that protrude into the destruct device opening provided that the points of each of these meshes are separated by at least one side (bar) of an adjoining mesh that has been removed and each of the meshes extend into the opening a distance of not more than 2 1/2 inches, as measured from the perimeter of the opening along either edge of the protruding wire mesh, to serve as an anchor for the destruct attachment material. On Dungeness crab traps constructed of wire mesh, the panel containing the destruct device and the wire mesh acting as an anchor for the destruct material must be constructed of a single wire no greater than .050 inches in diameter. This subsection shall become inoperative on July 16, ~~2003~~2006 and is repealed effective that date.

(c) [Operative July 16, ~~2003~~2006] Notwithstanding subsection (a) above, traps used to take Dungeness crabs, which are constructed of wire mesh, may have not more than a single wire mesh (described as a "V") that protrudes into the destruct device opening provided that the mesh extends into the opening a distance of not more than 2 1/2 inches, as measured from the perimeter of the opening along either edge of the protruding wire mesh, to serve as an anchor for the destruct attachment material. On Dungeness crab traps constructed of wire mesh, the panel containing the destruct device and the wire mesh acting as an anchor for the destruct material must be constructed of a single wire no greater than .050 inches in diameter. This subsection shall become operative on July 16, ~~2003~~2006.

NOTE: Authority cited: Sections 7708, 8500 and 9003, Fish and Game Code.

Reference: Sections 8500, 9003, and 9008, Fish and Game Code.

